

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Johnnie Frazier,	)	C/A No.: 1:23-4798-CMC-SVH
	)	
Plaintiff,	)	
vs.	)	
	)	ORDER
Officer Poiteview,	)	
	)	
Defendant.	)	
	)	

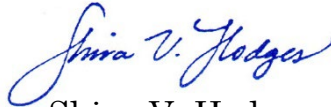
Plaintiff filed this case on September 26, 2023, alleging violations of his constitutional rights. On October 26, 2023, Defendant filed a motion to dismiss. [ECF No. 12]. As Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of the motion and of the need for him to file an adequate response by November 27, 2023. [ECF No. 13]. Plaintiff was specifically advised that if he failed to respond adequately, the motion may be granted.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Plaintiff failed to respond to Defendant's motion. As such, it appears to the court that he does not oppose the motion and wishes to abandon this case. Based on the foregoing, Plaintiff is directed to advise the court whether he wishes to continue with this case and to file a response to the motion by December 19, 2023. Plaintiff is further advised that if he fails to respond, the undersigned will recommend this case be dismissed for failure to

prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

December 5, 2023  
Columbia, South Carolina



Shiva V. Hodges  
United States Magistrate Judge